


 In Re Application of:

Docket No.
112753-004

In ~~For~~ Applications of: **Glenn et al.**

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|-----------------|-----------------|------------------|--------------|----------------|------------------|
| Application No. | Filing Date | Examiner | Customer No. | Group Art Unit | Confirmation No. |
| 10/047,819 | January 14 2002 | R. Muromoto, Jr. | 24573 | 3765 | 4754 |

Title: TUBULAR FABRIC AND METHOD OF MAKING SAME

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Request for Reconsideration of Patent Term Adjustment Under 37 C.F.R. 1.705(b) (2 pages + Exhibit); Check in the Amount of \$200.00; and Return Receipt Postcard.

in the above identified application.

- ☐ No additional fee is required.
- ☒ A check in the amount of **\$200.00** is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **02-1818** as described below.
- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Dated: May 24, 2005

**Robert M. Barrett
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Reg. No. 30,142**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

5/24/05

(Date)

Signature of Person Mailing Correspondence

Heather Foster

Typed or Printed Name of Person Mailing Correspondence

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Glenn et al.
Appl. No.: 10/047,819
Filed: January 14, 2002
Title: TUBULAR FABRIC AND METHOD OF MAKING SAME
Art Unit: 3765
Examiner: R. Muromoto Jr.
Docket No.: 112753-004

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(b)**

Sir:

This Request for Reconsideration is being filed in response to the Determination of Patent Term Adjustment which was mailed with the Notice of Allowance on February 24, 2005. Applicants have reviewed the PTA set forth (188 days) by the Patent Office and respectfully request that this determination be reconsidered for the reasons set forth below.

The Patent Office determined that a 235 day adjustment should be made based on the USPTO delay in mailing an Office Action or Notice of Allowance within fourteen months of the filing of the application. The first Office Action was mailed on November 4, 2003 which is 235 days past the 14 month date. Therefore, 235 days were added to the patent term. Applicants agree with this determination.

Additionally, the Patent Office determined that 33 days should be subtracted from the above adjustment due to delay by applicants in responding to the Office Action mailed on November 4, 2003. The response to the Office Action was received in the PTO on March 8, 2004 which is 33 days past the 3 month date. Therefore, 33 days were subtracted from the patent term. Applicants agree with this determination.

Finally, the Patent Office determined that 14 days should be subtracted from the above adjustment due to delay by the applicants in filing an Information Disclosure Statement.

05/27/2005 EFLORES 00000112 021818 10047819

01 EC:1462 200.00 DA 200.00 UP

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06/02/2005 EFLORES1 00000001 10047819

01 FC:1455

200.00 OP

Therefore, a total 188 day adjustment was indicated on the Determination of PTA. Applicants do not agree with this determination.

According to PTO records on the PAIR system, an Information Disclosure Statement filed by Applicants was received in the PTO on March 22, 2004, fourteen days after Applicants responded to the November 4, 2003 Office Action which accounts for the 14 day difference. However, the Information Disclosure Statement was actually mailed on May 7, 2002 and received in the USPTO on May 10, 2002. Attached hereto as Exhibit A is a copy of the stamped postcard from the USPTO which verifies this date. The received date is well before the first Office Action was issued in this case. Therefore, the loss of 14 days of PTA is not proper. Applicant respectfully requests that this time be added onto the PTA for a total adjustment of 202 days plus any time for subsequent PTO delays in the issuance of the patent.

This patent application is not subject to a Terminal Disclaimer. And there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of this application on the part of the Applicant.

This Request is accompanied by a check in the amount of \$200.00 to cover the fee set forth in § 1.18(e). To the extent that any additional fees are due and owing, the Commissioner is hereby authorized to charge them to our Deposit Account, 02-1818.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

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Date: May 24, 2005

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